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123-01

Docket No. 20518/10/25.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ferguson et al. Group: 3763
Application No.: 09/892,593 Examiner: Catherine Serke
Filed: June 27, 2001
For: SAFETY SHIELD FOR MEDICAL NEEDLES

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the : Assistant Commissioner of Patents, Washington, D.C. 20231.

By:

Michelle A. Phinney
Michelle A. Phinney

11/18/02

Date: November 18, 2002

Assistant Commissioner for Patents
Washington D.C. 20231

**RESPONSE TO OFFICE ACTION SETTING FORTH
A REQUIREMENT FOR AN ELECTION OF SPECIES**

Madam:

The Office Action mailed September 18, 2002 required an election to the following species of the claimed invention:

- | | |
|-------------------------|------------------------|
| a. Figs. 1-8, 17, 17a-c | l. Fig. 36, |
| b. Figs. 9-11, | m. Fig. 37, |
| c. Figs. 12-12c | n. Figs. 38-41, |
| d. Figs. 12-15a, | o. Figs. 42-45, |
| e. Fig. 16, | p. Figs. 46-47, |
| f. Figs. 18-19, | q. Fig. 48, |
| g. Figs. 20-21, | r. Figs. 42 and 49-50, |

h. Figs. 22-26a,
i. Figs. 27-28,
j. Figs. 29-34,
k. Fig. 35

s. Figs. 42 and 51,
t. Figs. 42 and 52
u. Figs. 42 and 53

In response thereto, Applicants provisionally elect, with traverse, species a., corresponding to Figures 1-8, 17 and 17a-c. The claims which correspond to the provisionally elected species include, at least, claims 1-13, 15-20, 23, 25, 27-31, 60, 62-65, 69, 71, 72, 91 and 92.

The Examiner's attention is drawn to Applicants' respectful request for reconsideration of the species requirement, or in the alternative, modification thereof. In particular, Applicants respectfully submit that the species a., b., c., d., e. and f. designated in the Office Action and corresponding to Figs. 1-19 should be combined as one specie, as they are so closely related that combining them would not provide an undue burden to consider them together. The claims which correspond to the combined species a., b., c., d., e. and f. would include, at least, claims 1-20, 23, 25, 27-31, 60, 62-65, 69, 70-76, 91 and 92. Most certainly, the field of search for each would be virtually the same. Accordingly, Applicants respectfully request reconsideration and modification of the species requirement as presented above.

In the Office Action, no claims were found generic. Applicants respectfully submit that at least one independent claim, namely claim 1, which is generic to at least the species a., b., c., d., h., j., k., l., and m. as designated in the Office Action. Support for this position may be found throughout the specification and drawings of the instant application.

In view of the foregoing, early and favorable consideration of the application is respectfully solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, Applicants' undersigned attorney invites the Examiner to call him.

Please charge any deficiency, any extensions of time for responding as required, or any other fees which may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 50-0369.

Respectfully submitted,

Dated: November 18, 2002

By: 

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